

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1628 OF 2005

Shri.Pratap Doshi ..Applicant

Vs.

Municipal Corporation of
Gr.Mumbai & Anr. ..Respondents

Mr.R.P.Ozha i/b A.R.Pande Advocate for Applicant
Ms.Trupiti Puranik for Respondent no.1-B.M.C.
Mr.S.R.Shinde A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI, J.
DATE : SEPT. 27, 2005

P.C.

1. Heard the learned advocate for the applicant,
learned advocate for respondent no.1-B.M.C. and
the learned A.P.P. for the State.

2. The applicant is seeking quashing of process
issued by the learned Metropolitan Magistrate, 42nd
Court at Shinde Wadi, Mumbai in
C.C.No.11625/PCO/2001. In the said case process
was issued against the applicant under Sections
381-A r.w. 471 of Bombay Municipal Corporation

Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode** reported in 2005(3) Mh.L.J.778, I am of the opinion that the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

. The learned advocate for the respondent no.1-complainant fairly states that no objection

will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI, J.]